



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,363	12/06/1999	KAZUAKI TSUCHIYA	ASA-838	5016
24956	7590	01/30/2007	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			PYZOWCHA, MICHAEL J	
		ART UNIT	PAPER NUMBER	2137
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/455,363	TSUCHIYA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Pyzocha	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-31,33,34,36 and 37 is/are rejected.
- 7) Claim(s) 32 and 35 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 26-37 are pending.
2. Amendment filed 12/12/2006 has been received and considered.

**Priority**

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received on 11/23/2003.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 26-27, 29-30, 33, 34, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins et al (US 5485455) in view of Jain et al (US 6311218) and further in view of Inoue et al (US 6891819).

As per claims 26 and 29, Dobbins et al discloses a network relaying method for a communication network system in which a

Art Unit: 2137

plurality of network devices are coupled via a communication path, each network device including a network relaying device which is coupled via a plurality of I/O ports to a corresponding plurality of terminals (see column 7 line 60 through column 8 line 21), the method comprising the steps of:

receiving a packet at a first I/O port from a source terminal coupled to the first I/O port, the packet including a header containing a packet transmission source address (see column 8 lines 30-34);

determining whether a combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and a transmission source address that have been registered in advance with a correspondence there between (see column 8 lines 35-36);

when the determining step results in a determination that the combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between, transferring the packet received at the first I/O port via a second I/O port (see column 9 lines 38-46);

when the determining step results in a determination that the combination of the first I/O port and the packet

Art Unit: 2137

transmission source address do not have a coincidence with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between: limiting transfer of the received packet registering the first I/O port with a correspondence to the packet transmission source; and transferring the packet received at the first I/O port via the second I/O port (see column 8 line 37 through column 9 line 37 and claim 4).

Dobbins et al fails to disclose transmitting a request for user authentication of a user to the source terminal; receiving user authentication information sent from the source terminal in response to the request for user authentication; executing user authentication of the user based on the user authentication information thus received and based on the packet transmission source address.

However, Jain et al teaches such authentication (see column 5 line 21 through column 6 line 15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to Jain et al's authentication method in Dobbins et al's connection method.

Motivation to do so would have been to authenticate and unauthenticated port (see Jain et al column 5 lines 20-40).

The modified Dobbins et al and Jain et al system fails to explicitly disclose when the user is not authenticated, not transferring the packet.

However, Inoue et al teaches such a limitation (see column 12 lines 21-44).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the authentication processing steps of Inoue et al in the modified system of Dobbins et al and Jain et al.

Motivation to do so would have been to cope with a password guessing attack (see Inoue et al column 12 lines 21-44).

As per claims 27 and 30, the modified Dobbins et al, Jain et al and Inoue et al system discloses the authentication including a user name (see Jain et al column 5 lines 20-40), but fails to disclose a password. However Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to include a password for the authentication in the modified system. Motivation to do so would have been to provide authorized access to the system.

As per claims 33 and 36, the modified Dobbins et al, Jain et al and Inoue et al system discloses the step of performing user authentication periodically for each of said plurality of

Art Unit: 2137

terminals having an address registered in advance with a correspondence to an I/O port (see Jain column 5 lines 20-40).

As per claims 34 and 37, the modified Dobbins et al, Jain et al and Inoue et al system discloses determining whether the destination address is registered in advance as a source address in combination with an I/O port (see Dobbins et al column 8 lines 30-36); if the determining step determines that the destination address of the received packet is not registered in advance as a source address in combination with an I/O port, user authentication is made as to a destination terminal having the destination address, by transmitting a request for user authentication to the destination terminal of the received packet (see Dobbins column 8 lines 30-36 and column 9 lines 38-46 and Jain column 5 line 20 through column 6 line 15); receiving user authentication information sent from the destination terminal in response to the request for user authentication based on the user authentication information thus received from the destination terminal (see Jain column 5 line 20 through column 6 line 15); when the user is authenticated by the user authentication based on the user authentication information received from the destination terminal, registering the first I/O port with a correspondence to the destination address; and when the user is not authenticated by the user

Art Unit: 2137

authentication based on the user authentication information received from the destination terminal, not registering the first I/O port with a correspondence to the destination address (see Dobbins column 8 lines 30-36 and column 9 lines 38-46 and Inoue et al column 16 lines 6-21).

6. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Dobbins et al, Jain et al and Inoue et al system as applied to claims 26 and 29 above, and further in view of Townsend et al (US 5661719).

As per claims 28 and 31, the modified Dobbins et al, Jain et al and Inoue et al system teaches the transmission source address includes a MAC address (see Dobbins et al column 9 lines 10-25).

The modified Dobbins et al, Jain et al and Inoue et al system fails to teach the transmission source address also includes an IP address.

However, Townsend et al teaches a transmission source address includes an IP and MAC address (see column 3 lines 13-24).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include both address in the modified Dobbins et al, Jain et al and Inoue et al system.

Motivation to do so would have been to have both the physical and logical address of the source (see Townsend et al column 3 lines 13-24).

***Allowable Subject Matter***

7. Claims 32 and 35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the Prior Art teaches sending a message to all members of a VLAN (see Hart column 1 lines 15-35), but fails to teach the message is based on failed authentication.

***Response to Arguments***

9. Applicant's arguments filed 12/12/2006 have been fully considered but they are not persuasive. Applicant argues that Inoue fails to teach when user authentication fails, a packet sent from the source terminal is inhibited from being transferred via a second port and there is no motivation to combine Inoue with Dobbins and Jain.

Art Unit: 2137

With respect to Applicant's argument that Inoue fails to teach when user authentication fails, a packet sent from the source terminal is inhibited from being transferred via a second port, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case Inoue was relied upon for the teaching of not sending a packet upon failed authentication, which is taught in column 12 lines 21-44. The mobile computer of Inoue transmits a packet to a local port to be sent to the home agent and when authentication fails, the local port does not send the packet. When applying this concept to the combination of Dobbins and Jain, which receives packets at one port and transmits then via a second port, the packet of Inoue is received at the first port and when the authentication has failed the packet is inhibited from being sent via the second port. Therefore, the combination of Dobbins, Jain and Inoue teaches when user authentication fails, a packet sent from the source terminal is inhibited from being transferred via a second port.

With respect to Applicant's argument that there is no motivation to combine Inoue with Dobbins and Jain, as given

above the motivation would have been to cope with a password guessing attack (see Inoue et al column 12 lines 21-44).

Applicant further states that the combination would frustrate Inoue's stated purpose of reducing the load caused by repeated unsuccessful attempts to authenticate, however, as given in the response above the packets would never be sent via the second port and therefore would not frustrate the purpose of reducing the load.

#### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER